



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3136

by Rep. Kelly Burke

#### SYNOPSIS AS INTRODUCED:

625 ILCS 45/5-18

from Ch. 95 1/2, par. 315-13

Amends the Boat Registration and Safety Act. Provides that beginning January 1, 2019, no person shall operate a motorboat on the waters of this State unless they have a boating safety certificate. Prior to January 1, 2019, provides a graduated scale for the boating safety certificate requirement based on the age of the operator. Prohibits the owner of a motorboat from allowing a person without a boating safety certificate to operate the motorboat. Provides that persons between 10 and 12 years of age must, in addition to possessing a boating safety certificate, be under the supervision of a parent, guardian, or a person at least 18 years of age designated by the parent or guardian, that has a boating safety certificate. Exempts operators that (i) have a commercial vessel license; (ii) have a similar certificate from another state, a province of Canada, or the Coast Guard; (iii) are law enforcement officers performing official duties. Provides that operators without a boating safety certificate, unless otherwise exempted, are guilty of a petty offense. Provides that persons that falsify information in applying for a certificate, or who submit a falsified certificate to law enforcement, are guilty of a Class A misdemeanor. Expands the Department of Natural Resources' ability to implement rules for the enforcement of this Section.

LRB098 09053 MLW 39189 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Boat Registration and Safety Act is amended  
5 by changing Section 5-18 as follows:

6 (625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)

7 Sec. 5-18. Motorboat operator requirements.

8 (a) Beginning January 1, 2019, no person shall operate a  
9 motorboat on the waters of this State unless that person has a  
10 valid boating safety certificate issued by the Department of  
11 Natural Resources or is otherwise exempted by the provisions of  
12 subsection (e) of this Section. Prior to January 1, 2019,  
13 persons required to possess a boating safety certificate to  
14 operate a motorboat include operators who are:

15	<u>PERSONS BORN:</u>	<u>MUST BE CERTIFIED BY:</u>
16	<u>January 1, 1990 or AFTER</u>	<u>*Before Operating a</u>
		<u>Motorboat</u>
17	<u>after January 1, 1988 but before</u>	<u>January 1, 2014</u>
18	<u>January 1, 1990</u>	
19	<u>after January 1, 1983 but before</u>	<u>January 1, 2015</u>
20	<u>January 1, 1988</u>	

1 after January 1, 1978 but before January 1, 2016  
2 January 1, 1983  
3 after January 1, 1973 but before January 1, 2017  
4 January 1, 1978  
5 after January 1, 1968 but before January 1, 2018  
6 January 1, 1973  
7 BEFORE January 1, 1968 January 1, 2019

8 (b) The owner of any motorboat or any person given  
9 supervisory authority over a motorboat, shall not permit a  
10 motorboat or any person given supervisory authority over a  
11 motorboat, shall not permit a motorboat to be operated by any  
12 person not possessing a valid boating safety certificate as  
13 required by this Act.

14 (c) No person under 10 years of age may operate a  
15 motorboat.

16 (d) Persons at least 10 years of age and less than 12 years  
17 of age may operate a motorboat on the waters of this State  
18 provided the person possesses a valid boating safety  
19 certificate and the person is under the direct on-board  
20 supervision only if they are accompanied on the motorboat and  
21 under the direct control of a parent or guardian or a person at  
22 least 18 years of age designated by a parent or guardian who  
23 holds a valid boating safety certificate or is exempt under  
24 this Section.

25 ~~Persons at least 12 years of age and less than 18 years of~~

1 ~~age may operate a motorboat only if they are accompanied on the~~  
2 ~~motorboat and under the direct control of a parent or guardian~~  
3 ~~or a person at least 18 years of age designated by a parent or~~  
4 ~~guardian, or such motorboat operator is in possession of a~~  
5 ~~Boating Safety Certificate issued by the Department of Natural~~  
6 ~~Resources, Division of Law Enforcement, authorizing the holder~~  
7 ~~to operate motorboats.~~

8 (e) Exemptions. A boating safety certificate is not  
9 required by:

10 (1) a person that possesses a valid United States Coast  
11 Guard commercial vessel operator's license;

12 (2) a person over the age of 12 years who holds a valid  
13 certificate issued by another state, a province of the  
14 Dominion of Canada, the United States Coast Guard Auxiliary  
15 or the United States Power Squadron need not obtain a  
16 certificate from the Department if the course content of  
17 the program in such other state, province or organization  
18 substantially meets that established by the Department  
19 under this Section. A certificate issued by the Department  
20 or by another state, province of the Dominion of Canada or  
21 approved organization shall not constitute an operator's  
22 license, but shall certify only that the student has  
23 successfully passed a course in boating safety  
24 instruction; and

25 (3) law enforcement officers in performance of their  
26 duties.

1       (f) Compliance; Penalties for Violation.

2           (1) A person who is operating a motorboat on any waters  
3       of this State and is required to have a valid boating  
4       safety certificate under the provisions of this Section  
5       shall present the certificate to a law enforcement officer  
6       upon request. Failure of the person to present the  
7       certificate upon request shall be guilty of a petty  
8       offense.

9           (2) A person who provides false or fictitious  
10       information in any application for a boating safety  
11       certificate; or who alters, forges, counterfeits, or  
12       falsifies a boating safety certificate; or who possesses a  
13       boating safety certificate that has been altered, forged,  
14       counterfeited, or falsified shall be guilty of a Class A  
15       misdemeanor.

16           (3) Violations of this Section done with the knowledge  
17       of a parent or guardian shall be deemed a violation by the  
18       parent or guardian and punishable under Section 11A-1.

19       (g) Boating safety certificates.

20           (1) The Department of Natural Resources, Division of  
21       Law Enforcement, shall establish a program of instruction  
22       on boating safety, laws, regulations and administrative  
23       laws, and any other subject matter which might be related  
24       to the subject of general boat safety. The program shall be  
25       conducted by instructors certified by the Department of  
26       Natural Resources, Division of Law Enforcement. The course

1 of instruction for persons certified to teach boating  
2 safety shall be not less than 8 hours in length, and the  
3 Department shall have the authority to revoke the  
4 certification of any instructor who has demonstrated his  
5 inability to conduct courses on the subject matter.  
6 Students satisfactorily completing a program of not less  
7 than 8 hours in length shall receive a certificate of  
8 safety from the Department of Natural Resources, Division  
9 of Law Enforcement. The Department may cooperate with  
10 schools, private clubs and other organizations in offering  
11 boating safety courses throughout the State of Illinois.

12 (2) The Department shall issue certificates of boating  
13 safety to persons 10 years of age or older successfully  
14 completing the prescribed course of instruction and  
15 passing such tests as may be prescribed by the Department.  
16 The Department may charge each person who enrolls in a  
17 course of instruction a fee not to exceed \$5. If a fee is  
18 authorized by the Department, the Department shall  
19 authorize instructors conducting such courses meeting  
20 standards established by it to charge for the rental of  
21 facilities or for the cost of materials utilized in the  
22 course. Fees retained by the Department shall be utilized  
23 to defray a part of its expenses to operate the safety and  
24 accident reporting programs of the Department.

25 ~~A person over the age of 12 years who holds a valid~~  
26 ~~certificate issued by another state, a province of the Dominion~~

1 ~~of Canada, the United States Coast Guard Auxiliary or the~~  
2 ~~United States Power Squadron need not obtain a certificate from~~  
3 ~~the Department if the course content of the program in such~~  
4 ~~other state, province or organization substantially meets that~~  
5 ~~established by the Department under this Section. A certificate~~  
6 ~~issued by the Department or by another state, province of the~~  
7 ~~Dominion of Canada or approved organization shall not~~  
8 ~~constitute an operator's license, but shall certify only that~~  
9 ~~the student has successfully passed a course in boating safety~~  
10 ~~instruction.~~

11 (h) The Department of Natural Resources, ~~Division of Law~~  
12 ~~Enforcement,~~ shall adopt rules to implement and enforce the  
13 provisions of this Section.

14 (Source: P.A. 91-357, eff. 7-29-99.)